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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/676,402	10/01/2003	Terence Royle	02894-626001 / 80047-PY18	7553
26161	7590	02/28/2005	EXAMINER	
FISH & RICHARDSON PC 225 FRANKLIN ST BOSTON, MA 02110			PAYER, HWEI SIU CHOU	
			ART UNIT	PAPER NUMBER
			3724	
DATE MAILED: 02/28/2005				

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/676,402

Applicant(s)

ROYLE, TERENCE

Examiner

Hwei-Siu C. Payer

Art Unit

3724

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 2-4-2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-27 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-21 and 24-27 is/are allowed.
- 6) ☒ Claim(s) 22 and 23 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

Detailed Action

The amendment filed on 2-4-2005 has been entered. Upon further consideration, the allowable subject matter of claim 22 as indicated in the previous Office action has been withdrawn. Any inconvenience to the Applicant is regretted.

Claim Rejection - 35 U.S.C. 112, second paragraph

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claim 23 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 23, line 3, "said other" has no clear antecedent basis.

Claim Rejection - 35 U.S.C. 102(b)

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claim 22 is rejected under 35 U.S.C. 102(b) as being anticipated by Wetzel et al. (U.S. Patent No. 6,052,904).

Wetzel et al. show a linkage mechanism (see Figs.26a-26c) comprising a first and second spaced support arms (71,72) for pivotally connecting to a head (RK) of a hair removal appliance at a first and second pivot axes (see Fig.26a); a first common link member (74) for pivotably mounting to an appliance body (see column 9, lines 30-32) for rotation about a third axis (78) and being pivotably attached to each of the support arms (71,72) at fourth and fifth pivot axes (see Fig.26a); and at least one stabilizing link member (73) for pivotably mounting on the body at a first end thereof (77) and being pivotably attached at a second end thereof (see Fig.26a) to a single one (71) of the first and second support arms (71,72) at a sixth pivot axis (see Fig.26a) as claimed.

It is to be clarified, in Wetzel et al., the at least one stabilizing link member (73) has three extreme ends. One of its ends is pivotably attached to the body at a pivot point (77), a second end is pivotably attached to the first support arm (71), and a third end is pivotably attached to the second support arm (72) as shown in Fig.26. Since the second end of the stabilizing link member (73) is pivotally attached to the first support arm (71) only, it is fair to say the second end is pivotably attached to a single one of the first and second support arms (71,72) as claimed.

Indication of Allowable Subject Matter

1. Claims 1-21 and 24-27 are allowed.

Claims 1 and 27 contain allowable subject matter because none of the prior art of record taken alone or in combination thereof shows or fairly suggests the claimed linkage mechanism.

The most relevant reference is to Wetzel et al (U.S. Patent No. 6,052,904) in which Figs. 27-29 show a linkage mechanism comprising a pair of spaced support arms (71,72) pivotably attached to a head (RK) at a first and second pivot axes (154,155), the first and second pivot axes (154,155) being spaced apart by a first distance; a first transverse link member (74) pivotably mounted on the body (see column 9, lines 56-58) for rotation about a third axis (78) and being pivotably attached to each of the support arms (71,72) at fourth and fifth pivot axes (152,153) spaced apart by a second distance. However, the second distance is equal to the first distance rather than less than the first distance as required by the claims. Further, one (79) of the second and third transverse link members (73,79) is pivotally mounted on the head (RK) rather than on the body as required by the claims.

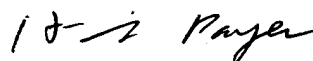
2. Claim 23 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

Point of Contact

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hwei-Siu C. Payer whose telephone number is 571-272-4511. The examiner can normally be reached on Monday through Friday, 7:00 am to 4:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Allan N. Shoap can be reached on 571-272-4514. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9306 for official communications and 571-273-4511 for proposed amendments.

H Payer
February 18, 2005



Hwei-Siu Payer
Primary Examiner